United Nations S/2009/663

Security Council

Distr.: General
21 December 2009

Original: English

France: draft resolution

The Security Council,

Recalling its previous resolutions, in particular resolution 1896 (2009), 1856 (2008), 1843 (2008), and the statements of its President concerning the Democratic Republic of the Congo,

Reaffirming its commitment to the sovereignty, territorial integrity and political independence of the Democratic Republic of the Congo,

Stressing the primary responsibility of the Government of the Democratic Republic of the Congo for ensuring security in its territory and protecting its civilians with respect for the rule of law, human rights and international humanitarian law, and *stressing* the importance of urgently undertaking comprehensive and lasting security sector reform and of permanently disarming, demobilizing, resettling or repatriating, as appropriate, and reintegrating Congolese and foreign armed groups for the long-term stabilization of the Democratic Republic of the Congo, and of the contribution made by international partners in this field,

Calling on all parties to armed conflict in the Great Lakes region to comply with the obligations applicable to them under international humanitarian law to take all required steps to protect civilians and to facilitate the rapid and unimpeded passage of relief consignments, equipment and personnel,

Encouraging the countries of the Great Lakes region to maintain a high level of commitment to jointly promote peace and stability in the region and *welcoming* the recent improvements in the relations between the Governments of the Democratic Republic of the Congo and Rwanda, Uganda and Burundi,

Stressing that the Goma and Nairobi processes as well as the 23 March 2009 Agreements are the appropriate framework for stabilising the situation in the eastern part of the Democratic Republic of the Congo, and *urging* all parties to fully abide by and implement these agreements,

Deeply concerned that some militias and armed groups in the eastern part of the Democratic Republic of the Congo have not yet laid down their arms and continue to prey on the population,

Expressing its extreme concern at the deteriorating humanitarian and human rights situation and the continued impunity of those responsible for human rights abuses and other atrocities, *condemning* in particular the targeted attacks against the civilian population, widespread sexual violence, recruitment and use of child

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soldiers and extrajudicial executions, *stressing* the urgent need for the Government of the Democratic Republic of the Congo, in cooperation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and other relevant actors, to end violations of human rights and international humanitarian law, and to bring the perpetrators to justice, and *calling on* Member States to assist in this regard and to continue to provide medical, humanitarian and other assistance to victims,

Calling upon all parties concerned to create the conditions conducive to a voluntary, safe, dignified and sustainable return of refugees and internally displaced persons,

Welcoming the commitments made by the Government of the Democratic Republic of the Congo to hold accountable those responsible for atrocities in the country, *noting* the cooperation of the Government of the Democratic Republic of the Congo with the International Criminal Court, and *stressing* the importance of actively seeking to hold accountable those responsible for war crimes and crimes against humanity in the country,

Recalling its resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on women and peace and security, its resolution 1502 (2003) on the protection of United Nations personnel, associated personnel and humanitarian personnel in conflict zones, its resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflicts, and its resolutions 1612 (2005) and 1882 (2009) on children and armed conflict, and *recalling* the conclusions of the Security Council Working Group on Children and Armed Conflict pertaining to parties in the armed conflict of the Democratic Republic of the Congo (S/AC.51/2009/3),

Emphasizing that the linkage between the illicit exploitation and trade of natural resources and the proliferation and trafficking of arms is one of the major factors fuelling and exacerbating conflicts in the Great Lakes region, particularly in the Democratic Republic of the Congo, *urging* all States, particularly those in the region, to implement fully the measures set out by its resolution 1896 (2009), and *reiterating* its determination to continue to closely monitor the implementation and compliance with the measures set out by the resolution 1896 (2009),

Underscoring the long-term, sustainable efforts needed from the Government of the Democratic Republic of the Congo to provide a calendar for local, general and presidential elections, with full respect for the provisions of the Constitution, to consolidate democracy and promote the rule of law, democratic governance, recovery and development, with the support of its international partners,

Expressing its full support for MONUC, *condemning* all attacks against United Nations peacekeepers and humanitarian personnel, regardless of their perpetrators, and *emphasizing* that those responsible for such attacks must be brought to justice,

Taking note of the 30th regular report of the Secretary-General on the United Nations Organization Mission in the Democratic Republic of the Congo, dated 4 December 2009 (S/2009/623), and of its recommendations,

Determining that the situation in the Democratic Republic of the Congo continues to pose a threat to international peace and security in the region,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* to extend the deployment of MONUC until 31 May 2010, with the intention to extend it further at that date for twelve months, *authorizes* the continuation until that date of up to 19,815 military personnel, 760 military observers, 391 police personnel and 1,050 personnel of formed police units, and *stresses* its intention to consider in the subsequent resolution assessing and adjusting the mandate and to remain strongly committed to contributing to the long-term stability of the Democratic Republic of the Congo;

2. *Requests* the Secretary-General to conduct a strategic review of the situation in the Democratic Republic of the Congo and MONUC's progress toward achieving its mandate, taking into account the Integrated Strategic Framework for the United Nations presence in the country, to further develop the existing benchmarks for this purpose, and to determine, in close cooperation with the Government of the Democratic Republic of the Congo and MONUC troop- and police-contributing countries, the modalities of a reconfiguration of the mandate of MONUC, in particular the critical tasks that need to be accomplished before MONUC can envisage its drawdown without triggering a relapse into instability, and to report to the Security Council with recommendations by 1 April 2010;

3. *Urges* the Government of the Democratic Republic of the Congo to establish sustainable peace in the eastern part of the country, to effectively protect the civilian population, to develop sustainable security sector institutions which fully respect the rule of law, and to ensure respect for human rights and the fight against impunity by strengthening the capacity of the judicial and correctional systems;

4. *Recognizes* the interrelated nature of the effective protection of civilians, reduction and removal of the threat of armed groups, and comprehensive and sustainable security sector reform, and *underlines* that efforts made in each of these key areas contributes significantly and with complementarity both to the aim of improving the humanitarian situation and to the strategic objective of peace and stability in the Democratic Republic of the Congo;

5. *Decides* that, from the adoption of this resolution, MONUC, working in close cooperation with the Government of the Democratic Republic of the Congo, shall have the following mandate, in order of priority:

(a) Ensure the effective protection of civilians, humanitarian personnel and United Nations personnel and facilities, in accordance with paragraph 3 (a) to (e) and 4 (c) of resolution 1856 (2008) and paragraphs 7 to 18 below;

(b) Carry out enhanced activities of disarmament, demobilization and reintegration (DDR) of Congolese armed groups and of disarmament, demobilization, repatriation, resettlement and reintegration (DDRRR) of foreign armed groups, including as set out in paragraphs 19 to 28 below and paragraphs 3 (n) to 3 (p) of resolution 1856 (2008);

(c) Support the security sector reform led by the Government of the Democratic Republic of the Congo, including as set out in paragraphs 29 to 38 below;

6. *Authorizes* MONUC to use all necessary means, within the limits of its capacity and in the areas where its units are deployed, to carry out the tasks of its

mandate listed in paragraph 3 (a) to (e) of resolution 1856 (2008) and paragraphs 9, 20, 21 and 24 below;

Protection of civilians, including humanitarian personnel and human rights defenders, and United Nations personnel and facilities

7. *Emphasizes* that the protection of civilians, as described in paragraph 5 (a), must be given priority in decisions about the use of available capacity and resources, over any of the other tasks described in paragraph 5 (b) and (c);

8. *Recalls* that the protection of civilians requires a coordinated response from all relevant mission components and *encourages* MONUC to enhance interaction, under the authority of the Special Representative of the Secretary-General, between its civil and military components at all levels and humanitarian actors, in order to consolidate expertise on the protection of civilians;

9. *Requests* MONUC to build on best practices and extend successful protection measures on protection piloted in North Kivu, in particular the establishment of Joint Protection Teams, Early Warning Centres, communications liaisons with local villages and other measures, to other areas, particularly South Kivu;

10. *Demands* that all armed groups, in particular the Forces Démocratiques de Libération du Rwanda (FDLR) and the Lord's Resistance Army (LRA), immediately cease all forms of violence and human rights abuse against the civilian population in the Democratic Republic of the Congo, in particular gender-based violence, including rape and other forms of sexual abuse;

11. *Demands* that the Government of the Democratic Republic of the Congo, in furtherance of resolution 1888 (2009), immediately take appropriate measures to protect civilians, including women and children, from violations of international humanitarian law and human rights abuses, including all forms of sexual violence; *urges* the Government of the Democratic Republic of the Congo to ensure the full implementation of its "zero-tolerance policy" with respect to discipline and human rights violations, including sexual and gender-based violence, committed by elements of the Armed Forces of the Democratic Republic of the Congo (FARDC) and *further urges* that all reports of such violations be thoroughly investigated, with the support of MONUC, and that all those responsible be brought to justice through a robust and independent process;

12. *Requests* the Secretary-General to continue to fully investigate the allegations of sexual exploitation and abuse by civilian and military personnel of MONUC, and to take the appropriate measures set out in the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13);

13. *Requests* the Secretary-General to ensure that technical support is provided, in predeployment and in theatre, to MONUC's troop- and police-contributing countries to include guidance and training for military and police personnel on the protection of civilians from imminent threat and appropriate responses, including on human rights, sexual violence and gender issues;

14. *Encourages* MONUC to enhance its interaction with the civilian population to raise awareness and understanding about its mandate and activities

and to collect reliable information on violations of international humanitarian law and human rights abuses perpetrated against civilians;

15. *Demands* that all armed groups, in particular the FDLR and LRA, immediately stop recruiting and using children and release all children associated with them and *calls upon* the Government of the Democratic Republic of the Congo to continue to work with MONUC, the Monitoring and Reporting Mechanism and other relevant actors to finalise the elaboration of an Action Plan to release children present in FARDC and to prevent further recruitment;

16. *Calls upon* the governments of the Great Lakes region to coordinate their efforts to address the threat posed by the LRA and *strongly encourages* enhanced regular information-sharing about the LRA in this respect, with MONUC and other United Nations Missions in the areas where the LRA is threatening the population and *requests* the Secretary-General to enhance cooperation and information-sharing between United Nations missions in the region on all issues related to regional security threats;

17. *Calls upon* the States in the region to ensure that any military actions against armed groups are carried out in accordance with international humanitarian, human rights and refugee law, and that they take appropriate measures to protect civilians and reduce the impact of military actions upon the civilian population, including through regular contacts with and early warning of the civilian population on potential attacks;

18. *Requests* the Special Representative of the Secretary-General to identify women's protection advisers (WPAs) among MONUC's gender advisers and human rights protection units in line with MONUC's comprehensive strategy against sexual violence;

DDR of Congolese armed groups and DDRRR of foreign armed groups

19. *Demands that* all armed groups, in particular the FDLR, the LRA and other foreign armed groups immediately lay down their arms and *demands further* that the Congolese armed groups present themselves without any further delay or preconditions to Congolese authorities and MONUC for DDR, and that the foreign armed groups similarly present themselves to Congolese authorities and MONUC for DDRRR;

20. *Underlines* that MONUC shall deter any attempt at the use of force to threaten the Goma and Nairobi processes from any armed group, particularly in the eastern part of the Democratic Republic of the Congo, and undertake all necessary operations to prevent attacks on civilians and disrupt the military capability of armed groups that continue to use violence in that area;

21. *Requests* MONUC, working in close cooperation with the Government of the Democratic Republic of the Congo, to continue its coordination of operations with the FARDC brigades deployed in the eastern part of the Democratic Republic of the Congo, premised on the protection of civilians as a priority, on operations being jointly planned with these brigades, and in accordance with its Policy Paper referenced in paragraph 23 below, with a view to:

(a) Disarming foreign and Congolese armed groups in targeted areas in order to ensure their participation in the DDRRR and DDR process;

(b) Holding the territories cleared of armed groups in order to ensure the protection of civilian populations;

(c) Helping the Government of the Democratic Republic of the Congo to restore its authority in these territories, in particular in the eastern part of the Democratic Republic of the Congo, areas freed from armed groups and key mining areas;

(d) Carrying out enhanced efforts to prevent the provision of support to armed groups, including support derived from illicit economic activities and illicit trade in natural resources;

22. *Reiterates*, consistent with paragraphs 3 (g) and 14 of resolution 1856 (2008) that the support of MONUC to FARDC-led military operations against foreign and Congolese armed groups is strictly conditioned on FARDC's compliance with international humanitarian, human rights and refugee law and on an effective joint planning of these operations, *decides* that MONUC military leadership shall confirm, prior to providing any support to such operations that sufficient joint planning has been undertaken, especially regarding the protection of the civilian population, *calls upon* MONUC to intercede with the FARDC command if elements of a FARDC unit receiving MONUC's support are suspected of having committed grave violations of such laws, and if the situation persists, *calls upon* MONUC to withdraw support from these FARDC units;

23. *Notes* in this regard the development by MONUC of a Policy Paper setting out the conditions under which the Mission can provide support to FARDC units, and *requests* the Secretary-General to establish an appropriate mechanism to regularly assess the implementation of this Policy;

24. *Urges* MONUC, in close cooperation with other partners, including the World Bank and United Nations Development Programme, to contribute further to the implementation of DDR of Congolese combatants and their dependents, with particular attention to children, by monitoring the disarmament process and providing, as appropriate, security in some sensitive locations, as well as supporting reintegration efforts pursued by the Congolese authorities in cooperation with the United Nations Country Team and bilateral and multilateral partners;

25. *Urges* MONUC to enhance its support to the voluntary demobilization and repatriation of disarmed foreign combatants and their dependents and *calls upon* the Governments of the Democratic Republic of the Congo and the neighbouring States to remain engaged in this process;

26. *Urges* the Governments of the Democratic Republic of the Congo and Rwanda to work together and to agree on a clear set of end-state objectives on the FDLR, in the framework of a multidimensional approach;

27. *Urges* all States to take appropriate legal action against FDLR leaders residing in their countries, including through effective implementation of the sanctions regime established by resolution 1533 (2004) and renewed by its resolution 1896 (2009);

28. *Urges* all States, especially those in the region, to take appropriate steps to end the illicit trade in natural resources, including if necessary through judicial means, and, where necessary, to report to the Security Council, and *urges* MONUC, in accordance with paragraph 3 (j) of resolution 1856 (2008), to consolidate and

assess, jointly with the Government of the Democratic Republic of the Congo, its pilot project of bringing together all State services in five trading counters in North and South Kivu in order to improve the traceability of mineral products;

Support for security sector reform

29. *Reiterates* the primary responsibility of the Government of the Democratic Republic of the Congo regarding the reform of its security sector, and *encourages* the Government of the Democratic Republic of the Congo, working in cooperation with MONUC and other international partners, to build a core, well-vetted, multi-ethnic force, whose size, composition and structure should be developed by the Government, with the support of MONUC, with a view to strengthening the capacity, discipline and professionalism of the FARDC;

30. *Requests* MONUC, in cooperation with the Congolese authorities, to coordinate the efforts of the international community, including all bilateral and multilateral actors working in this field, on security sector reform issues, and *calls upon* all Member States and international organisations to fully cooperate with MONUC in this regard;

31. *Further requests* MONUC to provide military training, including in the area of human rights, international humanitarian law, child protection and the prevention of gender-based and sexual violence, to the FARDC, including to the integrated brigades deployed in the eastern part of the Democratic Republic of the Congo, as part of broader international efforts to support security sector reform;

32. *Reiterates* its call upon the Congolese authorities, with the support of MONUC, to establish an effective vetting mechanism, in accordance with international standards, for the FARDC and the national security forces, to ensure the exclusion of those persons associated with violations of international humanitarian law and human rights abuses and to trigger the judicial process against such persons where appropriate;

33. *Encourages* the Government of the Democratic Republic of the Congo, with the support of MONUC, to ensure that armed groups newly integrated into the FARDC are deployed throughout the country and not restricted to their regions of origin;

34. *Urges* the Government of the Democratic Republic of the Congo to expeditiously adopt legislation related to the reform of the FARDC, the High Defence Council and the status of the FARDC military personnel by the Parliament, as well as the legislation on police reform, *urges further* the Government of the Democratic Republic of the Congo to ensure progress in their implementation within the timeframe of this resolution, and *urges further still* the adoption of a comprehensive national strategy for the security sector on the whole territory;

35. *Requests* that the Government of the Democratic Republic of the Congo, with the support of MONUC and other international partners, ensure appropriate conditions for the FARDC, including attributing ranks to the newly integrated elements, ensuring salary payments and equipments and providing barracks;

36. *Calls upon* all the parties to the March 23 Agreements to fulfil their commitments and accelerate the implementation of all aspects of, the Agreements and *requests* MONUC to assist in this regard by helping with the integration of the

armed groups and the establishment of mechanisms for resolving local disputes as foreseen in those Agreements;

37. *Recommends* that the Government of the Democratic Republic of Congo, in particular through the FARDC and the Congolese National Police (PNC), working in cooperation with MONUC, pursue its efforts to maintain a comprehensive and accurate database containing all the available information on the weapons and ammunition under their custody;

38. *Demands* that all parties cooperate fully with the operations of MONUC and that they ensure the security of as well as unhindered and immediate access for United Nations and associated personnel in carrying out their mandate, throughout the territory of the Democratic Republic of the Congo, and *requests* the Secretary-General to report without delay any failure to comply with these demands;

39. *Requests* MONUC and the United Nations Country Team to continue their support to extend State authority in the Democratic Republic of the Congo, in particular within the framework of the Government's Stabilization and Reconstruction Plan (STAREC) and the United Nations Security and Stabilization Support Strategy (UNSSSS), with a particular emphasis on strengthening democratic institutions and building effective rule of law capacity, including justice and corrections;

40. *Requests* the Secretary-General to provide a briefing on the implementation of the system-wide protection strategy and a progress report on the Integrated Strategic Framework to the Security Council and troop- and police-contributing countries by 16 February 2010;

41. *Requests further* the Secretary-General to provide a full report on the situation in the Democratic Republic of the Congo and on MONUC's activities, by 1 April 2010, in order to prepare the strategic review as set out in paragraph 2 of this resolution, and that this full report should include:

(a) Specific information on the challenges of MONUC's role in the protection of civilians, an assessment of existing protection mechanisms, in particular the measures described in paragraphs 8, 9, 11, 12 and 13 of this resolution, and assessment of special measures for protection from sexual violence;

(b) Assessment of the implementation of the Policy Paper setting out the conditions of MONUC's support to FARDC as described in paragraphs 22 and 23 of this resolution;

(c) Information on the further deployment and use of the additional capabilities authorized by resolution 1843 (2008);

(d) Assessment of the progress in the security sector reform, including the effectiveness of the training measures set out in paragraph 31 of this resolution;

42. *Commends* the contribution of troop- and police-contributing countries and donors to MONUC and *calls on* Member States to pledge and contribute the remaining helicopters, air capabilities, intelligence assets and other force enablers required for the Mission;

43. *Requests* the Secretary-General to ensure that MONUC's concept of operation and rules of engagement are regularly updated to bring them fully in line

with the provisions of this resolution and to report on this to the Security Council and troop-contributing countries;

44. *Requests* the Secretary-General, through his Special Representative for the Democratic Republic of the Congo, to continue to coordinate all the activities of the United Nations system in the Democratic Republic of the Congo;

45. *Decides* to remain actively seized of the matter.

United Nations S 2009 664

Security Council

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21 December 2009
English
Original: French

Letter dated 15 December 2009 from the Secretary-General to the President of the Security Council

Since its establishment on 15 April 1995, the United Nations Political Office for Somalia (UNPOS) has consistently assisted my efforts to advance the cause of peace and reconciliation in Somalia through its contacts with Somali and subregional leaders, civil society organizations and all other States and organizations concerned by the Somali crisis. UNPOS has also been closely monitoring the situation in Somalia and has assisted me in providing briefings and periodic reports to the Security Council.

The Security Council, in its resolution 1872 (2009), requested me, through my Special Representative for Somalia and UNPOS, to coordinate effectively and develop an integrated approach to all activities of the United Nations system in Somalia, to provide good offices and political support for the efforts to establish lasting peace and stability in Somalia, and to mobilize resources and support from the international community for both the immediate recovery and long-term economic development of Somalia.

In the same resolution, the Security Council requested me to expedite the proposed deployment of elements of UNPOS and other United Nations offices and agencies, including the United Nations Support Office for the African Union Mission to Somalia (UNSOA), to Mogadishu consistent with the security conditions, as outlined in my report (S/2009/210).

The Security Council further requested me, through my Special Representative for Somalia and UNPOS, to work with the Transitional Federal Government to develop its capacity to address human rights issues and to support the Justice and Reconciliation Working Group to counter impunity.

UNPOS is also responsible for coordinating on the ground the efforts of the United Nations and the international community to combat piracy off the Coast of Somalia. Furthermore, UNPOS is a member of the anti-piracy coordination centre based in Nairobi, which represents a platform for interaction between United Nations Headquarters and United Nations agencies operating on the ground in the area of piracy.

During the biennium 2010-2011, UNPOS will continue, inter alia, to carry out the following tasks: assist efforts to strengthen and render operational Somalia's Transitional Federal Institutions; guide the international community's efforts to re-establish Somalia's security apparatus; coordinate United Nations political,

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security, electoral, humanitarian, recovery and development support to the Somali people and to the Transitional Federation Government; coordinate on the ground the efforts of the United Nations and the international community in the fight against piracy; and support the regional authorities of "Puntland" and "Somaliland" in their efforts to maintain the relative stability that prevails in these two regions of Somalia. UNPOS will also continue to work closely with United Nations Headquarters on updating the contingency planning for the possible deployment of a United Nations peacekeeping mission in Somalia.

I should be grateful if you would bring the present letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

United Nations S/2009/665

Security Council

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21 December 2009
English
Original: French

Letter dated 21 December 2009 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 15 December 2009 (S/2009/664) concerning your intention to let the United Nations Political Office for Somalia (UNPOS) continue to carry out its tasks during the biennium 2010-2011 has been brought to the attention of the members of the Security Council. They have taken note of the intention expressed in the letter and the information contained therein.

(*Signed*) Michel **Kafando**
President of the Security Council

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United Nations S/2009/666

Security Council

Distr.: General
23 December 2009

Original: English

Letter dated 23 December 2009 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Upon the instruction of my Government, I would be grateful if the annexed press release entitled "A shameful day for the United Nations", issued by the Ministry of Foreign Affairs of the State of Eritrea on 23 December 2009, could be circulated as a document of the Security Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

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Annex to the letter dated 23 December 2009 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

Press release entitled "A shameful day for the United Nations"

The United Nations Security Council has today passed a shameful resolution imposing sanctions against Eritrea. The unjustifiable measures imposed on Eritrea include: an arms embargo; the inspection and seizure by Member States in their territory of such cargo to and from Eritrea; and the imposition of a travel ban, and the freezing of assets of Eritrea's political and military leadership who may be blacklisted by a committee.

As Eritrea has strongly emphasized in the past weeks, this brazen act is based neither on fact nor on the provisions of international law. It constitutes a travesty of justice and amplifies the dangers inherent in a unipolar world.

The fact of the matter is that this resolution was originally conceived and feverishly executed by the United States of America. The United Kingdom of Great Britain and Northern Ireland and especially Uganda, were co-opted as sponsors of the resolution for purposes of deceitful packaging. The United States Mission to the United Nations further tried to invoke a resolution of the African Union to disguise the real culprit; but in the end, this cover did not work. As it happened, the Ambassador of the United States to the United Nations was ultimately forced to come out of the closet and cajole United Nations Member States into adopting the resolution willy-nilly.

Setting aside the misguided policies of the United States Administration in the Horn of Africa region and the loathsome personal agenda of the United States Ambassador to the United Nations who could not hide her obsessive desire to "punish Eritrea" and "break its arrogance", what are the accusations levelled against Eritrea? How do these accusations square with the provisions of the Charter of the United Nations? Does the heavy-handed process pursued in this case conform to the modalities and precedents of the United Nations Security Council in imposing sanctions against a Member State?

1. It must be stressed that the accusations against Eritrea for involvement in Somalia have never been substantiated or verified. Many Member States objected to the draft resolution in the early days precisely for these reasons though they acquiesced as a result of United States pressure later. The Somalia Monitoring Group had previously accused Eritrea of "supplying arms to those opposing the Transitional Federal Government". This clause was later dropped quietly and the revised version indicts Eritrea for "providing political, financial, and logistical support to armed groups engaged in undermining peace and reconciliation in Somalia". As pointed out earlier, these allegations were, again, not explained or substantiated. Indeed, how can Eritrea provide logistical support to armed groups in Somalia when it does not have a contiguous border with that country? The allegation of financial support is equally tenuous. Eritrea has neither the political will nor the financial clout to bankroll armed groups in Somalia. As for the accusations of political support, it is well known that Eritrea has not recognized the Transitional Federal Government for cogent and well-thought-out reasons. This was also the case with the externally established previous Transitional Federal

Governments installed in Mogadishu without the consent of the Somali people. Eritrea's impartial and balanced position emanates from its profound desire to contribute to a durable and sustainable solution to the crisis in Somalia. These political considerations aside, the fundamental legal issue at hand is whether this matter of purely sovereign national jurisdiction can be misconstrued as a subject of United Nations Security Council concern. Is it the mandate of the Council to punish any Member State on account of the political views it holds or the diplomatic choices it makes? Has the Council ever imposed sanctions against one or more countries because they have not recognized Kosovo, Abkhazia or Ossetia? Does controversy on matters of this nature empower the Council to take punitive measures against a defenceless country arbitrarily?

2. The resolution refers to the "decision of the 13th Assembly of the African Union in Sirte, calling on the Council to impose sanctions against ... Eritrea". Again, this assertion is replete with distortions and half-truths. As underlined earlier, the resolution was co-sponsored by Uganda in its individual capacity. It was not tabled but, on the contrary, vehemently opposed by the Libyan Arab Jamahiriya which is the current Chair of the African Union and a non-permanent member of the Council. More importantly, the Council's function is not to rubber-stamp resolutions adopted by a regional organization when invoking Chapter VII of the Charter of the United Nations to impose sanctions against a Member State but to do so independently and only on the basis of incontrovertible facts and law.

3. In an unprecedented show of cynicism, the United Nations Security Council resolution recommends other punitive measures against Eritrea on account of the United States-fabricated "border dispute with Djibouti". For seven long years now, since the Eritrea-Ethiopia Boundary Commission gave its final and binding award in the border dispute between Eritrea and Ethiopia in April 2002, the Council has refused to shoulder its responsibilities to ensure respect for the arbitration decision in accordance with the provisions of the Algiers peace treaty which was largely drafted and explicitly guaranteed by this same body. This has encouraged Ethiopia to violate its treaty obligations, the Charter of the United Nations and international law so as to continue its occupation of Badme and other sovereign Eritrean lands. This same Security Council is now singing a different tune, simply because it is played by Washington, in threatening Eritrea with punitive measures for a non-existent border conflict.

Security Council resolution 1907 (2009) is thus not based on law and incontrovertible facts. The United States has simply employed its preponderant influence to ram through unjustifiable sanctions against a small country. What is shameful is that the United States has been allowed to use the platform and authority of the United Nations to perpetrate injustices against the people and Government of Eritrea for the second time in recent history. What is shameful is that other major powers in the Council cannot go beyond expressing their disappointment, mostly in private meetings, to check the excesses of Washington. What is shameful is that the United States can turn the tables and victimize an innocent nation for the very crimes that it was responsible for in the first place. Because the truth is that the United States is mostly responsible for the mayhem and suffering that is bedevilling Somalia today. Indeed, it is common knowledge that as intractable as the Somali crisis is, there were real hopes of a turnaround for the better in 2006. For reasons that defy reason, the Bush Administration then acted to roll back those promising developments in order to instigate and support Ethiopia's invasion of Somalia. That

single debacle claimed the lives of thousands of innocent Somalis, made half a million people homeless and aggravated the humanitarian crisis in Somalia to an unprecedented degree. But, then, the Council is not taking action on the basis of justice and legality. It is taking action on the basis of the existing power balance in a largely unipolar world. This does not bode well for international justice and peace. This is why today is a shameful day for the United Nations.

Ministry of Foreign Affairs
23 December 2009

United Nations S/2009/667

Security Council

Distr.: General
31 December 2009
English
Original: French

Letter dated 31 December 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, containing an account of the Committee's activities from 1 January to 31 December 2009 (see annex). The report, which was adopted by the Committee, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

I would appreciate it if the present letter and its annex were brought to the attention of the members of the Council and issued as a document of the Council.

(*Signed*) Ertuğrul **Apakan**
Chairman
Security Council Committee established
pursuant to resolution 1533 (2004) concerning
the Democratic Republic of the Congo

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Annex

Report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

[Original: English]

A. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo covers the period from 1 January to 31 December 2009.

2. For 2009, the Bureau of the Committee consisted of Baki İlkin (Turkey) as Chairman, with the delegations of Costa Rica and Viet Nam serving as Vice-Chairmen. In September 2009, Ertuğrul Apakan replaced Ambassador İlkin as Chairman of the Committee.

B. Background

3. By paragraph 20 of its resolution 1493 (2003), the Security Council imposed an arms embargo on all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and Ituri, and on groups not party to the Global and All-Inclusive Agreement in the Democratic Republic of the Congo. The Council also provided for the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to report to the Council regularly on the position of the movements and armed groups and on information concerning arms supply and the presence of foreign military, especially by monitoring the use of landing strips in North and South Kivu and Ituri.

4. By its resolution 1533 (2004), the Security Council established the Committee, inter alia, (a) to seek information from States regarding implementation of the arms embargo; (b) to examine and take action on alleged violations; (c) to report to the Council on ways to strengthen the arms embargo; (d) to consider a list of those found to have violated the measures imposed by the Council in paragraph 20 of its resolution 1493 (2003) with a view to submitting recommendations to the Council for possible future measures; and (e) to receive notifications in advance from States made under paragraph 21 of resolution 1493 (2003) and to decide, if need be, upon any action to be taken.

5. By paragraph 10 of its resolution 1533 (2004), the Security Council requested the Secretary-General, in consultation with the Committee, to establish a Group of Experts to undertake a series of tasks related to the monitoring of the arms embargo, as set out in the resolution. The Group of Experts was re-established or extended for eight successive mandates pursuant to resolutions 1552 (2004), 1596 (2005), 1616 (2005), 1654 (2006), 1698 (2006), 1771 (2007), 1799 (2008), 1807 (2008), 1857 (2008) and 1896 (2009).

6. By its resolution 1596 (2005), the Security Council extended the arms embargo to any recipient in the territory of the Democratic Republic of the Congo, with exemptions including the army and police of the Democratic Republic of the

Congo, under conditions set out in the resolution. The Council also imposed travel restrictions and an assets freeze on persons and entities acting in violation of the arms embargo. By the same resolution, the Council decided to extend the mandate of the Group of Experts, with the addition of a fifth finance expert and with a broader mandate in connection with the measures set out in paragraphs 6, 10, 13 and 15 of the resolution.

7. By its resolution 1616 (2005), the Council renewed the arms embargo, travel restrictions and assets freeze until 31 July 2006. By its resolution 1649 (2005), the Council extended the scope of the travel restrictions and assets freeze to political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo or Congolese militias receiving support from abroad that impede the participation of their combatants in disarmament, demobilization and reintegration processes, to take effect on 15 January 2006, unless the Secretary-General informed the Council that the process of disarmament of those foreign armed groups and Congolese militias operating in the Democratic Republic of the Congo was being completed.

8. By its resolution 1698 (2006), the Council renewed until 31 July 2007 the arms embargo as well as travel and financial restrictions on individuals designated by the Committee in accordance with the criteria set out in resolutions 1596 (2005) and 1649 (2005). In its resolution 1698 (2006), the Council extended the travel and financial measures to political and military leaders recruiting or using children in armed conflict, and to individuals committing serious violations of international law involving the targeting of children in situations of armed conflict. In addition to the tasks outlined in resolutions 1533 (2004), 1596 (2005) and 1649 (2005), the Council requested the Group of Experts, whose mandate was extended under resolution 1698 (2006) for a period expiring on 31 July 2007, to recommend feasible and effective measures the Council might impose to prevent the illegal exploitation of natural resources financing armed groups in the eastern part of the Democratic Republic of the Congo. In paragraph 8 of its resolution 1698 (2006), the Council also requested the Secretary-General to present before 15 February 2007, in close consultation with the Group of Experts, a report comprising an assessment of the potential economic, humanitarian and social impact on the population of the Democratic Republic of the Congo of the implementation of the possible measures referred to in paragraph 6 of the resolution.

9. By its resolution 1771 (2007), the Council decided to renew the measures on arms imposed under resolutions 1493 (2003) and 1596 (2005) for a period expiring on 15 February 2008. In connection with the arms embargo, the Council decided to renew the exemptions for units of the army and police of the Democratic Republic of the Congo, provided that conditions specified in paragraph 2 (a), (b) and (c) of the resolution were met. In addition, in paragraph 3 of its resolution 1771 (2007), the Council decided to authorize an exemption for technical training and assistance agreed to by the Government of the Democratic Republic of the Congo and intended solely for support of units of the Democratic Republic of the Congo army and police that were in the process of integration in the provinces of North and South Kivu and the Ituri district.

10. By paragraph 4 of its resolution 1771 (2007), the Council decided that the conditions specified in paragraph 4 of resolution 1596 (2005), as now applied to the Government of the Democratic Republic of the Congo, should apply to supplies of

arms and related materiel as well as technical training and assistance which are consistent with the exemptions described in paragraph 9 of the resolution, and noted in this regard that States had an obligation to notify the Committee in advance of such supplies. The Council also decided to renew the measures on transport and travel and finance in accordance with resolutions 1596 (2005), 1649 (2005) and 1698 (2006), and to review, no later than 15 February 2008, the measures concerning the arms embargo, transport, travel and financial bans, in the light of the consolidation of the security situation and the processes of integration of armed forces and reform of the national police in the Democratic Republic of the Congo.

11. By paragraph 1 of its resolution 1799 (2008), the Council decided to extend until 31 March 2008 the measures on arms imposed by paragraph 20 of resolution 1493 (2003) as amended and expanded by paragraph 1 of resolution 1596 (2005). By paragraph 4 of the same resolution, the Council decided to extend the mandate of the Group of Experts referred to in paragraph 9 of resolution 1771 (2007).

12. By paragraph 1 of its resolution 1807 (2008), the Council decided that the measures on arms and technical training no longer apply to the Government of the Democratic Republic of the Congo, and that for a period ending on 31 December 2008, all States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, including financing and financial assistance, to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo. By paragraph 5, the Council reiterated the obligation of supplier States to notify the Committee of all shipments of arms and related materiel, as well as the provision of technical training and assistance to the Democratic Republic of the Congo. By paragraph 13 (e), the Council extended the travel and financial measures to individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement.

13. By its resolution 1857 (2008), the Council decided to extend the sanctions regime and the mandate of the Group of Experts as set out in resolution 1807 (2008) for a further period expiring on 30 November 2009, and requested the Group of Experts to report to the Council in writing, through the Committee, by 15 May 2009 and 15 October 2009. By paragraph 4 of the same resolution, the Council decided that the assets freeze and travel ban would also apply to individuals obstructing the access to or distribution of humanitarian assistance in the eastern part of the Democratic Republic of the Congo, as well as individuals or entities supporting the illegal armed groups in the eastern Democratic Republic of the Congo through the illicit trade of natural resources.

14. By subparagraphs 6 (a) and (b) of resolution 1857 (2008), the mandate of the Committee was expanded to include promulgating guidelines for the conduct of its work; and reviewing regularly the list of individuals and entities subject to the travel ban and assets freeze, adopted by the Committee on 1 November 2005, with a view to keeping the list as updated and accurate as possible; confirming that listing remains appropriate; and encouraging Member States to provide any additional information whenever such information becomes available.

15. By its resolution 1896 (2009), the Security Council decided to extend, for a further period expiring on 30 November 2010, the sanctions regime and the mandate of the Group of Experts, and requested the Group of Experts to fulfil its mandate as set out in paragraph 18 of resolution 1807 (2008) and expanded by paragraphs 9 and 10 of resolution 1857 (2008), and to report to the Council in writing, through the Committee, by 21 May 2010 and again before 20 October 2010.

16. By paragraph 4 (c) of resolution 1896 (2009), the Council decided to expand the Committee's mandate "to specify the necessary information that Member States should provide in order to fulfil the notification requirement set out in paragraph 5 of resolution 1807 (2008) and to circulate this among Member States". By paragraph 4 (a) of the resolution, the Council also decided that the Committee should promulgate guidelines taking into account paragraphs 17 to 24 of resolution 1857 (2008), within six months from the date of adoption of the resolution, in order to facilitate the implementation of the measures imposed by the resolution.

17. The Council also expanded the mandate of the Group of Experts to include the task of producing, taking into account paragraph 4 (g) of resolution 1857 (2008), drawing inter alia on their reports and taking advantage of work done in other forums, recommendations to the Committee for guidelines for the exercise of due diligence by the importers, processing industries and consumers of mineral products regarding the purchase, sourcing (including steps to be taken to ascertain the origin of mineral products), acquisition and processing of mineral products from the Democratic Republic of the Congo. The Group's mandate was further expanded by the Council's request to focus its activities also on the Orientale Province as well as on regional and international networks providing support to armed groups operating in the eastern part of the Democratic Republic of the Congo.

18. By paragraph 14 of resolution 1896 (2009), the Council called upon Member States to take measures to ensure that importers, processing industries and consumers of Congolese mineral products under their jurisdiction exercise due diligence on their suppliers and on the origin of the minerals they purchase.

19. By paragraph 16 of resolution 1896 (2009), the Council recommended that importers and processing industries adopt policies and practices, as well as codes of conduct, to prevent indirect support to armed groups in the Democratic Republic of the Congo through the exploitation and trafficking of natural resources.

20. By paragraph 17 of resolution 1896 (2009), the Council recommended that Member States, particularly those in the Great Lakes region, regularly publish full import and export statistics for gold, cassiterite, coltan and wolframite.

C. Summary of the activities of the Committee

21. In the course of 2009, the Committee held a total of six informal consultations (30 January, 11 March, 13 May, 18 November, 20 November and 4 December).

22. At the informal consultations of the Committee on 13 May 2009, the Coordinator of the Group of Experts re-established pursuant to paragraph 8 of resolution 1857 (2008) presented the Group's interim report to the Committee (S/2009/253), and the Committee held an exchange of views on the recommendations contained in the report, including possible actions to be taken by the Committee. As a result of the discussion, the Committee subsequently agreed to dispatch letters to

the Special Representative of the Secretary-General for Children and Armed Conflict and the Permanent Representative of the Democratic Republic of the Congo to the United Nations. On 28 May 2009, the Chairman briefed the Security Council during informal consultations on the Committee's discussions and the report and its recommendations.

23. In connection with outstanding requests for information by the Group of Experts, the Committee, in April and August 2009, addressed letters to the representatives of Burundi, Ethiopia, Kenya and the United Republic of Tanzania.

24. During its informal consultations held on 18 and 20 November 2009, the Committee considered the final report of the Group of Experts, which was transmitted to the Security Council on 23 November 2009. On 25 November 2009, the Chairman briefed the Security Council on the Group's final report and held a review of the measures contained in resolution 1857 (2008), pursuant to paragraph 26 of the same resolution. At its informal consultations of 4 December 2009, the Committee continued its discussion of the recommendations contained in the final report of the Group of Experts, as well as possible follow-up actions. On the basis of those discussions, the Committee agreed to address a note verbale to all Member States drawing attention to relevant sections of the report. The Committee also agreed to address letters to a number of Member States as part of its follow-up of the Group's observations and recommendations.

25. During the reporting period, the Committee received reports concerning the implementation of measures imposed by paragraph 7 of resolution 1857 (2008) from the following Member States: Andorra, Argentina, Australia, Austria, Belgium, China, Cyprus, France, Liechtenstein, Lithuania, Oman, Serbia, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland.

26. During the reporting period, the Committee received 10 notifications pursuant to paragraph 5 of resolution 1807 (2008). Pursuant to paragraph 15 (d) of resolution 1807 (2008), the Committee transmitted the notifications received during the reporting period to MONUC and the Government of the Democratic Republic of the Congo. The Committee also transmitted letters to Member States acknowledging their notifications and conveying appreciation for their continued efforts towards the full implementation of the sanctions regime and for providing the Committee with information relevant to its mandate.

27. The Committee received, but did not grant, one de-listing request in 2009.

United Nations A/64/607–S/2009/668

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Security Council

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23 December 2009

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General Assembly
Sixty-fourth session
Agenda item 21
Question of Cyprus

Security Council
Sixty-fourth year

Letter dated 18 December 2009 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to my letter dated 9 October 2009 addressed to you (A/64/488-S/2009/529), I have the honour to draw your attention to ongoing violations of the international air traffic regulations and the national airspace of the Republic of Cyprus by military aircraft of the Turkish Air Force, recorded from 1 October to 26 November 2009, as follows:

On 1 October 2009, two F-4, two F-16 and two Cougar Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus twice.

On 3 October 2009, one CN-235 Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On 8 October 2009, two F-16, one CN-235 and one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus three times.

On 12 October 2009, one C-160 Turkish military aircraft violated international air traffic regulations five times and the national airspace of the Republic of Cyprus.

On 13 October 2009, one CN-235 Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 14 October 2009, one B-200 and one Cougar Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 15 October 2009, two F-16, two CN-235 and one C-160 Turkish military aircraft violated international air traffic regulations five times and the national airspace of the Republic of Cyprus five times.

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On 19 October 2009, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On 20 October 2009, three C-160 Turkish military aircraft violated international air traffic regulations four times.

On 21 October 2009, three F-16, two C-160, one CN-235 and two Cougar Turkish military aircraft violated international air traffic regulations eight times and the national airspace of the Republic of Cyprus five times.

On 22 October 2009, one C-160 and two Cougar Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus four times.

On 23 October 2009, one CN-235 and three Cougar Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus three times.

On 27 and 28 October 2009, one B-200 and one Cougar Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 4 November 2009, one CN-235 Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On 5 November 2009, two F-16, one CN-235 and one Cougar Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus three times.

On 6 November 2009, two F-16 and one CN-235 Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus twice.

On 9 November 2009, two F-16 and one CN-235 Turkish military aircraft violated international air traffic regulations twice.

On 10 November 2009, two F-16, one Bell and nine Turkish military aircraft of unknown type violated international air traffic regulations five times and the national airspace of the Republic of Cyprus.

On 11 November 2009, 16 CN-235 Turkish military aircraft violated international traffic regulations seven times and the national airspace of the Republic of Cyprus three times.

On 12 November 2009, two C-130 and two CN-235 Turkish military aircraft violated international air traffic regulations seven times and the national airspace of the Republic of Cyprus six times.

On 13 November 2009, one CN-235 and one C-130 Turkish military aircraft violated international air traffic regulations twice and the national airspace of the Republic of Cyprus twice.

On 14 November 2009, nine NF-5 and two C-160 Turkish military aircraft violated international air traffic regulations six times and the national airspace of the Republic of Cyprus six times.

On 15 November 2009, 12 NF-5, 2 Cougar and 3 Cessna Turkish military aircraft violated international air traffic regulations five times and the national airspace of the Republic of Cyprus five times.

On 16 November 2009, two F-16, nine NF-5, two C-160 and two CN-235 Turkish military aircraft violated international air traffic regulations 11 times and the national airspace of the Republic of Cyprus nine times.

On 17 November 2009, two F-16, one CN-235 and one C-130 Turkish military aircraft violated international air traffic regulations four times and the national airspace of the Republic of Cyprus six times.

On 18 November 2009, four F-16, one CN-235, one B-200 and one C-160 Turkish military aircraft violated international air traffic regulations seven times and the national airspace of the Republic of Cyprus six times.

On 19 November 2009, eight F-16, two CN-235 and two Cougar Turkish military aircraft violated international air traffic regulations six times and the national airspace of the Republic of Cyprus four times.

On 20 and 21 November 2009, two F-16, one CN-235, one B-200 and one Cougar Turkish military aircraft violated international air traffic regulations six times and the national airspace of the Republic of Cyprus six times.

On 24 November 2009, two F-16 and two CN-235 Turkish military aircraft violated international air traffic regulations three times.

On 25 November 2009, one B-200 and one Cougar Turkish military aircraft violated international air traffic regulations three times and the national airspace of the Republic of Cyprus three times.

On 26 November 2009, one Cougar Turkish military aircraft violated international air traffic regulations and the national airspace of the Republic of Cyprus.

On behalf of my Government, I strongly protest the aforementioned continued violations by Turkey and call for their immediate cessation.

Turkey's policy of non-observance of rules and regulations governing international aviation continues to gravely jeopardize flight safety and perpetuate insecurity and apprehension on the island. Furthermore, Turkey's systematic attempts to undermine the sovereignty and unity of the Republic of Cyprus by promoting an illegal secessionist entity, arrogating to itself, inter alia, the right to control part of the airspace of the Republic of Cyprus, further complicate the efforts to build trust and confidence between the two communities. Such policies and actions provide ample demonstration of the irresponsible behaviour of a country that now serves as a non-permanent member of the Security Council.

It was regrettable that in the recent report of the Secretary-General on the United Nations operation in Cyprus (S/2009/609), there was not a reference to the aforementioned violations by Turkey, since these violations had been mentioned in the previous report of the Secretary-General on the United Nations operation in Cyprus (S/2009/248).

The Government of Turkey should heed the call of the international community, abide by the Charter of the United Nations and respect the sovereignty,

independence and territorial integrity of the Republic of Cyprus, thus contributing to the creation of the required conditions for the achievement of a viable solution to the Cyprus problem, according to the agreed basis endorsed by numerous Security Council resolutions.

I should be grateful if you could have the present letter circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) Minas A. **Hadjimichael**

United Nations S/2009/669

Security Council

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Report of the Secretary-General concerning the credentials of the representatives and deputies and alternate representatives of the members of the Security Council elected for the period 2010-2011

1. At its 20th plenary meeting, on 15 October 2009, the General Assembly elected Bosnia and Herzegovina, Brazil, Gabon, Lebanon and Nigeria as non-permanent members of the Security Council for a term of two years beginning on 1 January 2010.

2. Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that, with regard to the representation of the members of the Council elected for the period 2010-2011, he has received the communications referred to hereunder.

Bosnia and Herzegovina: Credentials from the Minister for Foreign Affairs of Bosnia and Herzegovina, signed on 17 December 2009, stating that Ivan Barbalić has been appointed representative of Bosnia and Herzegovina on the Security Council, Mirsada Čolaković and Miloš Vukašinović, deputy representatives, and Željko Vukobratović, Valentina Marinčić, Šejla Durbuzović, Adi Durmić and Sanja Kuljanin, alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.

Brazil: Credentials from the Minister of External Relations of Brazil, signed on 12 November 2009, stating that Maria Luiza Ribeiro Viotti has been appointed representative of Brazil on the Security Council, Regina Maria Cordeiro Dunlop, deputy representative, and Guilherme de Aguiar Patriota, Maria Teresa Mesquita Pessôa, Norberto Moretti, Carlos Luis Dantas Coutinho Perez, Eugênio Vargas Garcia, Luis Guilherme Nascentes da Silva, Christiano Sávio Barros Figueirôa, Alexandre Mendes Nina, Daniel Nogueira Leitão, Kassius Diniz da Silva Pontes, Marcelo Böhlke, André Simas Magalhães and João Augusto Costa Vargas, alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.

Gabon: Credentials from the President of Gabon, signed on 3 December 2009, stating that Emmanuel Issoze-Ngondet has been appointed representative of Gabon on the Security Council, Alfred Alexis Moungara Moussotsi and Marianne Bibalou, deputy representatives, and Michel Régis Onanga Ndiaye, Mireille Sarah Nzenze, Charles Lembouma, Jean Christian Obame, Franklin Joachim Makanga, Annette Andrée Onanga, Allegra Pamela Romance Bongo, Ounaïda Bongo Ondimba, Joséphine Patricia Ntyam Eyha, Lilly Stella

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Moudzihi Birra, Gervais Ngyema Ndong and Serge Thierry Mandoukou Ombegue, alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.

Lebanon: Credentials from the Minister of Foreign Affairs and Emigrants of Lebanon, signed on 5 November 2009, stating that Nawaf Salam has been appointed representative of Lebanon on the Security Council, Caroline Ziade, deputy representative, and Ibrahim Assaf, Toufic Jaber, Oussama Khachab, Majdi Ramadan, Fadi Ziadeh, Brigitte Tawk and Ali Karanouh, alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.

Nigeria: Credentials from the Minister for Foreign Affairs of Nigeria, signed on 2 December 2009, stating that U. Joy Ogwu has been appointed representative of Nigeria on the Security Council, Raff Bukun-Olu Wole Onem, deputy representative, and Bulus Z. Lolo, Kio Solomon Amieyeofori, Obinna Chiedu Onowu, Martin Senkom Adamu, George Ehidianmen Edokpa, alternate representatives.

In the opinion of the Secretary-General, these credentials are in order.

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Security Council
Sixty-fourth year

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Letter dated 23 December 2009 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General

I would like to draw your attention to the recent statements made in the United Nations by the representatives of the Republic of Armenia, which contravene the declared commitment of this country's Government to the constructive and international law-based solution of the conflict between Armenia and Azerbaijan.

Thus, the Permanent Representative of the Republic of Armenia to the United Nations in his statement at the 6216th meeting of the Security Council, on 11 November 2009, claimed that "Armenia's involvement (read: aggression against Azerbaijan) prevented ethnic cleansing, which had been subtly conducted by Azerbaijan during the 70 year of Soviet rule and was aimed at wiping out Armenians from their ancestral homes". Another example of similar distortion is found in the speech of the representative of Armenia in the meeting of the Third Committee of the General Assembly held on 2 November 2009 entailing the claim that "(i)n the Nagorno-Karabakh region, the people had sought their right to self-determination in a peaceful manner and through negotiation".

Such cynical allegations are not an exception to the usual speculations by Armenian officials as to the origin, course and consequences of the war of aggression unleashed against Azerbaijan. We fully realize that attempts by Armenia to mislead the international community obviously carry the danger of causing a distorted perception of the essence of the problem, pose a serious threat to political settlement perspectives and purport to advocate the culture of impunity and therefore cannot be left unaddressed.

It is curious, to say the least, that while referring to the alleged ethnic cleansing policy towards Armenians during Soviet rule and their "peaceful" aspirations, the representatives of Armenia usually pass over in silence the facts

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irrefutably testifying to the opposite, in particular that over the 70 years of Soviet rule, Armenia succeeded in expanding its territory, mostly at the expense of Azerbaijani lands, and using every possible means to expel the Azerbaijanis from their lands. Suffice it to say that during the Soviet period the territory of Armenia increased from 8,000-10,000 to 29,800 square kilometres.

In the 1920s the mountainous Garabakh (Nagorny Karabakh) was given the status of autonomy within the Soviet Socialist Republic of Azerbaijan and its administrative borders were defined in such a way as to ensure that the Armenian population constituted a majority. At the same time, the more than half-million-strong Azerbaijani community compactly residing in Armenia at that time was refused the same privilege, and attempts to so much as mention this were promptly, roughly and savagely suppressed.

Instead of accusing Azerbaijan, it is for the Government of Armenia to realize that, unlike itself, which has purged its territory of all non-Armenians and become a uniquely mono-ethnic State, Azerbaijan has preserved its ethnic diversity to the present day. Indeed, unconcealed racial prejudices prevailing in the policy and practice of Armenia constitute illustrative evidence of the obvious lack of credibility of the official Yerevan assurances of good intentions.

Moreover, contrary to the declared noble purposes of its so-called involvement, Armenia makes at the same time a series of historical assertions, the objective of which is to substantiate the policy of territorial expansionism (see, for example, document A/63/781-S/2009/156, para. 21 and below). In other words, it is more than clear that Armenia's military actions against Azerbaijan were aimed, from the very beginning, at seizing the territories by means of force and fundamental change of their demographic composition.

The Armenian side's "forgetfulness" also frequently concerns the chronology of events pertaining to the beginning of the present-day stage of the conflict between Armenia and Azerbaijan. In reality, large-scale combat operations initiated by Armenia on the territory of Azerbaijan were preceded by the attacks at the end of 1987 on the Azerbaijanis in Khankandi (during the Soviet period, Stepanakert) and Armenia, resulting in a flood of Azerbaijani refugees and internally displaced persons, as well as in a number of illegal declarations and decisions taken with a view to securing the unilateral secession of Nagorny Karabakh from Azerbaijan.

Shortly after the assertion of claims on Nagorny Karabakh at the end of the 1980s, under instructions from and with the blessing of the Armenian authorities, the more than 200,000 Azerbaijanis remaining were forcibly deported from Armenia. This process was accompanied by killings, torture, enforced disappearances, destruction of property and pillaging, throughout Armenia. These acts were conducted on a widespread and systematic basis. During only three days, from 27 to 29 November 1988, in the course of pogroms in the Armenian towns of Gugark, Spitak and Stepanavan, 33 Azerbaijanis were killed. In all, 216 Azerbaijanis were killed in Armenia in 1987-1989, including children, women and elderly people.

At the end of 1991 and the beginning of 1992, the conflict entered into a military phase and Armenia initiated combat operations on the territory of Azerbaijan. That period was marked by the increase of the magnitude, intensity and consistency of the attacks. In February 1992, the town of Khojaly in Azerbaijan was notoriously overrun and its population was subjected to an unprecedented massacre.

On the night of 25 and 26 February 1992, 613 civilians were killed, including 106 women, 63 children and 70 elderly persons. Another 1,000 people were wounded and 1,275 were taken hostage. To this day, 150 people from Khojaly remain missing. Facts confirm that the intentional slaughter of the Khojaly town civilians on 25 and 26 February 1992 was directed towards their mass extermination only because they were Azerbaijanis.

In sum, the ongoing armed conflict in and around the Nagorny Karabakh region of the Republic of Azerbaijan has resulted in the occupation of almost one fifth of the territory of Azerbaijan and has made approximately one out of every eight persons in the country an internally displaced person or refugee; 20,000 people have been killed, 50,000 people have been wounded or have become invalids and about 5,000 citizens of Azerbaijan are still missing. The aggression against Azerbaijan has severely damaged the socio-economic sphere of the country and has also had catastrophic consequences for its cultural heritage both in the occupied territories and in Armenia.

Armenia used military force to occupy the territory of Azerbaijan and to establish on it a subordinate separatist entity constructed on ethnic lines, which survives by virtue of Armenia's military and other support and which the world has refused to recognize.

Taking into account the above, it is curious to hear that "(i)n the Nagorno-Karabakh region, the people had sought their right to self-determination in a peaceful manner and through negotiation". It should be particularly emphasized that the Azerbaijani refugees and internally displaced persons were forced to flee because Armenia and its military forces had the clear aim of ethnic cleansing and of creating a mono-ethnic culture in the captured territories. Indeed, what Armenia considers "involvement to prevent ethnic cleansing" should obviously be read as "involvement to conduct ethnic cleansing".

Therefore, Armenia's claims to the application of the principle of self-determination are contrary to and unsustainable in the context of international law. Otherwise, this would be tantamount to accepting the results of a violation of fundamental norms of international law, including, in particular, what amounts to the most serious international crimes, as well as a rule prohibiting the use of force.

I should be grateful if you would have the present letter and the information contained herein circulated as a document of the General Assembly, under agenda items 14 and 18, and of the Security Council.

(*Signed*) Agshin **Mehdiyev**
Ambassador
Permanent Representative

United Nations S/2009/671

Security Council

Distr.: General
28 December 2009

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Letter dated 22 December 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1518 (2003) addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1518 (2003) (see annex), containing an account of the Committee's activities from 1 January to 31 December 2009. The report, which was adopted by the Committee on 21 December 2009, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Michel **Kafando**
Chairman
Security Council Committee established pursuant to
resolution 1518 (2003)

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Annex

Annual report of the Security Council Committee established pursuant to resolution 1518 (2003)

1. The present report of the Security Council Committee established pursuant to resolution 1518 (2003) covers the period from 1 January to 31 December 2009.

2. The previous report of the Committee, submitted to the Security Council on 3 February 2009 (S/2009/79), covered the period from 1 January to 31 December 2008.

3. For 2009, the Committee's bureau consisted of Michel Kafando (Burkina Faso) as Chairman and the delegation of Japan as Vice-Chairman (S/2009/2).

4. The Committee was established by Security Council resolution 1518 (2003) of 24 November 2003 to continue to identify, in accordance with paragraphs 19 and 23 of resolution 1483 (2003), individuals and entities whose funds, other financial assets and economic resources should be frozen and transferred to the Development Fund for Iraq. According to paragraph 23 of resolution 1483 (2003), the freeze and transfer apply to funds, other financial assets and economic resources of individuals and entities associated with the former Iraqi regime, i.e. funds, other financial assets and economic resources removed from Iraq or acquired by Saddam Hussein or other senior officials of the former Iraqi regime and their immediate family members, including entities owned or controlled, directly or indirectly, by them or by persons acting on their behalf or at their direction; as well as to funds, other financial assets and economic resources of the previous Government of Iraq or its State bodies, corporations, or agencies, located outside Iraq.

5. The Committee's list of individuals established pursuant to resolution 1483 (2003) currently contains 89 names; the Committee's list of entities established pursuant to the same resolution contains 208 names.

6. Although the Committee did not hold any meetings in 2009, it continued to consider relevant issues brought to its attention. In particular, the Committee considered a communication from the Permanent Mission of Switzerland concerning the implementation of relevant Security Council resolutions in Switzerland, in particular with regard to one individual and two entities included in the Committee's lists. The Chairman also received a letter from the Permanent Mission of Germany concerning matters related to the Security Council Committee established pursuant to resolution 661 (1990) and terminated pursuant to paragraph 19 of resolution 1483 (2003) which was referred to the Secretariat, given that the subject matter was outside the competence of the Committee.

7. Several issues brought to the Committee's attention in 2007 remained pending in 2009 and continue to be under the Committee's consideration. The Chairman has, however, undertaken consultations with the relevant Committee members with a view to resolving these outstanding matters and, on the basis of these consultations, he is hopeful that this can be achieved early in 2010.

8. The assets-freeze and transfer list for individuals and assets-freeze and transfer list for entities are available at the Committee's website, http://www.un.org/sc/committees/1518/index.shtml.

Observations

9. The Committee wishes to recall that the Security Council also decided, in resolution 1518 (2003), that the mandate of the Committee would be kept under review, and that the Council would consider authorizing the Committee to undertake the additional task of observing Member States' fulfilment of their obligations in connection with the arms embargo on Iraq as reaffirmed in paragraph 10 of resolution 1483 (2003). To date, the Committee has not been authorized to undertake any additional tasks in this regard.

10. This means that the remaining prohibitions on the supply of arms to Iraq (which excludes arms and related materiel required by the Government of Iraq) are not currently accompanied by a Security Council mechanism, such as a Security Council committee or a monitoring mechanism with a mandate to oversee implementation of these particular measures.

11. The Council may wish to consider revisiting the issue of the Committee's mandate in the light of these facts, and in the light of the changing circumstances in Iraq. In this connection, the Committee would also like to recall that the Security Council, in its resolution 1546 (2004), stressed the importance for all States to abide strictly by the remaining measures and called upon the Government of Iraq to ensure that appropriate implementation procedures are in place.

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Letter dated 18 December 2009 from the Secretary-General to the President of the Security Council

I have the honour to refer to the United Nations Operation in Côte d'Ivoire (UNOCI), established pursuant to Security Council resolution 1528 (2004), as well as to my letter of 8 December 2009, in which I informed you of my decision to appoint Major General Abdul Hafiz (Bangladesh) as Force Commander of UNOCI beginning 1 January 2010.

After further consultations with President Laurent Gbagbo, I wish to inform you that the appointment of Major General Hafiz will not take effect until 1 April 2010 and that the tour of duty of the current UNOCI Force Commander, Major General Fernand Marcel Amoussou, will be extended one last time for a period of three months, until 31 March 2010.

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Security Council

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28 December 2009
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Letter dated 24 December 2009 from the President of the Security Council to the Secretary-General

I have the honour to inform you that your letter dated 18 December 2009 (S/2009/672) concerning your intention to extend the appointment of Major General Fernand Marcel Amoussou as the Force Commander of the United Nations Operation in Côte d'Ivoire until 31 March 2010 has been brought to the attention of the members of the Security Council, who have taken due note of your intention.

(Signed) Michel **Kafando**
President of the Security Council

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